

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE LITIGATION

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)  
) MDL No. 1456  
)  
) Civil Action No. 01-CV-12257 PBS  
)  
) Judge Patti B. Saris  
) Chief Magistrate Judge Marianne B.  
) Bowler

THIS DOCUMENT RELATES TO  
CLASS 1 JURY TRIAL (BMS)

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**BMS’S MOTION IN LIMINE  
TO EXCLUDE EVIDENCE OF WEALTH FROM THE LIABILITY PHASE OF THE  
TRIAL AND FOR A SEPARATE TRIAL AS TO PUNITIVE DAMAGES**

Pursuant to Rule 103, 402 and 403 of the Federal Rules of Evidence, Defendants Bristol-Myers Squibb Company and Oncology Therapeutics Network Corporation (together “BMS”) respectfully move this Court to exclude evidence of wealth from the liability phase of the trial and for a separate trial as to punitive damages. The grounds for this motion are set forth in the BMS’s Memorandum of Law in Support of Its Motion in Limine to Exclude Evidence of Wealth From the Liability Phase of the Trial and For a Separate Trial as to Punitive Damages.

WHEREFORE, for the reasons set forth in the memorandum described above, BMS respectfully requests that the Court grant their motion and enter an order:

- a. excluding evidence of wealth from the liability phase of the trial;
- b. for a separate trial as to punitive damages; and
- c. providing such other and further relief as the Court deems just and proper.

Dated: Boston, Massachusetts  
June 11, 2007

Respectfully submitted,

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